



State of California
Respiratory Care Board
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Inquiry:

- (1) Please clarify the Board's position on the difference between a Delivery Technician delivering and setting up equipment, and delivering and setting up equipment where the patient derives a medical benefit. Doesn't a patient always derive a medical benefit when respiratory DME equipment is used? So what is the difference? Please give me an example if you will.
- (2) Secondly, if a Delivery Technician delivers and sets up a nebulizer and demonstrates the set-up to the patient, including how and where to place the prescription nebulizer medication, is this considered respiratory services? The Technician would not apply the nebulizer to the patient, nor would he/she place the medicine in the container, but would advise the patient where to place it. Is this respiratory care?
- (3) And finally, if the Delivery Technician delivers a concentrator, can he set the flow meter at the prescribed rate prior to the patient applying the cannula?

Response: Regardless of the type of respiratory related equipment delivered, there is a very fine line as to when the "instruction in the use of a home medical device" crosses over to the "instruction in the use of a home medical device for the purpose of deriving the intended medical benefit." If instruction in the use of equipment is **solely focused** on the equipment and in **no way** includes discussion of the patient's condition, a prescription, or any other conversation that would lead to instruction for the "purpose of deriving the intended medical benefit," there is no question that unlicensed personnel are not crossing this fine line.

I would also clarify that it is the responsibility of the licensed practitioner and the medical director to oversee and ensure the safe and appropriate delivery of DME equipment to patients in the home.

Reference # 2002-C-45